

PATENT  
229436-1 (553-1371US2)

### REMARKS

Claims 1-7 and 9-21 are pending in this application. Claims 1-7 and 9-21 stand rejected. No new matter has been added. It is respectfully submitted that the pending claims define allowable subject matter.

Claims 18-20 have been rejected under 35 U.S.C. § 112, second paragraph as being unclear with respect to the recitation of "statistically based." Applicant has amended claim 18 to recite using a spatial mathematical relationship based on statistically generated data for the body organ. Applicant submits that the application as filed describes using such data for the body organ, and as such, this claim is no longer indefinite. Accordingly, Applicant submits that the 35 U.S.C. § 112, second paragraph rejection of claims 18-20 should be withdrawn.

Claims 1-4, 7 and 14-20 have been rejected under 35 U.S.C. § 102(b) as being anticipated by NPL "Fetal heart Assessment Using Three-Dimensional Ultrasound" to Nelson et al. (Nelson). Claims 5, 6, 12, and 13 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Nelson in view of U.S. Patent 7,244,233 (Krantz). Claim 6 is also rejected under 35 U.S.C. § 103(a) as being unpatentable over Nelson in view of Krantz, and further in view of U.S. Patent 7,244,233 (Coleman). Claims 9-11 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Nelson in view of U.S. Patent No. 6,290,648 to Kamiyama et al. (Kamiyama), in further view of Applicants Admission of the prior art. Claim 21 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Nelson in view of NPL "Sonography of the Normal Fetal Heart: A Practical Approach" (Frates). Claims 1, 7 and 14-17 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,174,285 (Clark) in view of NPL "Standardized Myocardial Segmentation and Nomenclature for Tomographic Imaging of the Heart: A Statement for Healthcare Professionals from the Cardiac Imaging Committee of the Council on Clinical Cardiology of the American Heart Association" to Cerqueira, et al. (Cerqueira). Claims 2-4 and 18-20 have been rejected under 35

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U.S.C. § 103(a) as being unpatentable over Clark in view of Cerqueira, and further in view of Nelson. Claims 5, 6, 12, and 13 have also been rejected under 35 U.S.C. § 103(a) as being unpatentable over Clark in view of Cerqueira, and further in view of Krantz. Claims 9-11 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Clark in view of Cerqueira and Kamiyama, in further view of Applicants Admission of the prior art. Claim 21 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Clark in view of Cerqueira, and further in view of Frates. Applicant respectfully traverses these rejections for at least the reasons set forth below.

Independent claims 1 and 16 have been amended to recite generating and defining at least one other plane with respect to an *arbitrary* reference plane. Independent claim 17 has been amended to recite wherein the ultrasound image data is acquired at an *arbitrary* location with respect to the portion of the body organ. Applicant submits that the cited references fail to teach or suggest at least these claim recitations.

As stated in the Office Action (at page 16), Nelson requires that the 2D reference plane is referenced to a specific location, such as the spine or sternum. Similarly, Clark requires that the transducer is placed on the patient in standard locations and/or orientations. Likewise, Cerqueira is very specific that standardized planes should be used. Thus, in the cited references, the systems are dependent on and limited by the ultrasound transducer having to be placed in a particular position to make an initial acquisition or to reference a particular standard image plane. In contrast, claims 1 and 16 recite an *arbitrary* reference plane and claim 17 recites an *arbitrary* location for acquiring the ultrasound image data with the transducer. The cited references have to use an initial standard image plane or location to generate other planes. Accordingly, Applicant submits that claims 1, 16 and 17 are allowable.

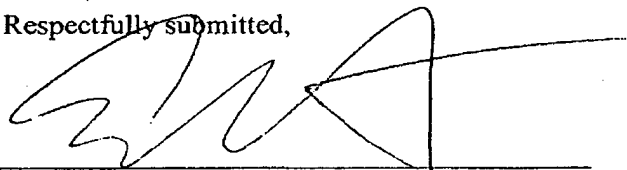
Turning to the dependent claims, Applicant submits that dependent claims 2-7, 9-15 and 18-21 recite further subject matter that is not anticipated or rendered obvious by the cited references. Additionally, claims 2-7, 9-15 and 18-21 depend from claim 1. Consequently,

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because claim 1 defines allowable subject matter, claims 2-7, 9-15 and 18-21 also define allowable subject matter.

In view of the foregoing amendments and remarks, it is respectfully submitted that the cited references neither anticipate nor render obvious the claimed invention and the pending claims in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited. Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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